

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WYETH,

Plaintiff,

v.

IMPAX LABORATORIES, INC.,

Defendant.

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Civil Action No. 06-222-JJF

**O R D E R**

WHEREAS, the following motions are pending in this action:

(1) Defendant Impax Laboratories, Inc.'s Motion for Summary Judgment of Noninfringement, Lack of Written Description, Lack of Enablement, Misjoinder of Inventors, and Indefiniteness (D.I. 302); (2) Defendant Impax Laboratories, Inc.'s Motion for Summary Judgment of Anticipation and Obviousness (D.I. 303); (3) Plaintiff Wyeth's Motion to Strike Paragraphs 72-73, 81-84, 129-30, and 133-36 of the Rebuttal Expert Report of Arthur H. Kibbe, Ph.D. (D.I. 295); and (4) Defendant Impax Laboratories, Inc.'s Motion to Strike Portions of the Expert Reports of Dr. Henry Grabowski and Dr. Ronald Thisted (D.I. 320);

WHEREAS, the parties have requested the Court to defer decision on these motions;

WHEREAS, for administrative purposes, the Court will deny the pending motions with leave to renew by letter notice from either party;

NOW THEREFORE IT IS HEREBY ORDERED:

1. Defendant Impax Laboratories, Inc.'s Motion for Summary Judgment of Anticipation and Obviousness (D.I. 303) is **DENIED with leave to renew.**
2. Defendant Impax Laboratories, Inc.'s Motion for Summary Judgment of Noninfringement, Lack of Written Description, Lack of Enablement, Misjoinder of Inventors, and Indefiniteness (D.I. 302) is **DENIED with leave to renew.**
3. Plaintiff Wyeth's Motion to Strike Paragraphs 72-73, 81-84, 129-30, and 133-36 of the Rebuttal Expert Report of Arthur H. Kibbe, Ph.D. (D.I. 295) is **DENIED with leave to renew.**
4. Defendant Impax Laboratories, Inc.'s Motion to Strike Portions of the Expert Reports of Dr. Henry Grabowski and Dr. Ronald Thisted (D.I. 320) is **DENIED with leave to renew.**

May 13, 2008  
DATE

  
UNITED STATES DISTRICT JUDGE